

Benton Gene Baskin, I/M #52888
Hutchinson Correctional Facility Central
P.O. Box 1568
Hutchinson, Kansas 67504
Phone: (620)-662-2321
Fax: (620)-728-3473
www.gettingout.com
Plaintiff-Pro se



UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Benton Gene Baskin,
Plaintiff,

-vs-

Todd Thomas, et al.,
Defendant.

NO: CV-21-1890-PHX-SPL (JFM)

**PLAINTIFF BASKIN'S
MOTION FOR EXTENSION OF
TIME TO FILE MOTION TO
DISMISS DEFENDANT
WESTBROOK'S MOTION TO
DISMISS**

Plaintiff Baskin appears pro se, moves for an (30) day extension of time to respond to Defendant's motion to dismiss Plaintiff's complaint filed on January 3, 2023. (Doc. 20).

Pursuant to Federal Rule of Civil Procedure ("FRPC") 6 (b)(1)(B), Plaintiff respectfully requests that the Court extend, to and until April 6, 2023 the time within which Plaintiff must respond to the Defendant's pending motion to dismiss. Plaintiff's response was due on March 6, 2023. This is Plaintiff's Second request for an extension of time for the purpose set forth herein.

In support of this Motion, Plaintiff relies upon the memorandum of points and authorities set forth below.

I.

MEMORANDUM OF POINTS AND AUTHORITIES

Federal Rule of Civil Procedure 6 (b)(1)(B) permits a party to extend a deadline after it's expiration upon showing of "excusable neglect". The standard to be applied by a Court under FRPC 6 (b)(1)(B) is a liberal one in order to "effectuate the general purpose of seeing that cases are tried on the merits." Ahanehian v. Xenon Pictures, Inc, 624 F.3d 1253, 1258-59 (9th Cir. 2010). "Good cause is a non rigorous standard that has been construed broadly across procedural and statutory contexts." Id at 1259.

Plaintiff shows the Court that:

- 1.) There has been one (1) extension of time granted to the Plaintiff concerning a response to the Motion to Dismiss (Doc. 25) in this case.
- 2.) The basis for this request for extension is excusable neglect based on the Plaintiff's ability to access the H.C.F. law library due to scheduling. See, attached Exhibit A.
- 3.) Plaintiff bears the ultimate responsibility for adhering to all Court deadlines and has since received notice that LEXIS/NEXIS legal research, print and word removed; therefore sincerely apologizes to the Court for any inconvenience occasioned by this request for extension of time.

Plaintiff has commenced drafting an appropriate response to Defendant's motion to dismiss and expects to have it filed no later than April 6, 2023. Accordingly

II. CONCLUSION

For these reasons Plaintiff Baskin respectfully moves this Court for the first (30) day extension of time to respond to Defendant Westbrook's motion to dismiss.

Dated this 2nd day of March, 20 23.

BENTON GENE BASKIN

By Benton G. Baskin
Benton Gene Baskin, I/M #52888
Hutchinson Correctional Facility Central
P.O. Box 1568
Hutchinson, Kansas 67504

Plaintiff-Pro se

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of March, 20 23. a true and correct copy of the above and foregoing Plaintiff Baskin's Motion For Extension of Time to File Motion to Dismiss Defendant Westbrook's Motion to Dismiss, was made by depositing the same in the United States Mail, postage prepaid addressed to the following:

Debra D. Lucas, Chief Executive
District Court Executive/Court Clerk
Sandra Day O'Connor U.S. Courthouse
Suite 130
401 West Washington Street SPC 1
Phoenix, Arizona 85003-2118

Struck Love Bojanowski & Acedo, PLC
Daniel P. Struck
Dana M. Keene
Courtney Lacaillade
3100 West Ray Road, Suite 300
Chandler, Arizona, 85220
Attorneys for Defendant

Benton G. Baskin
Benton Gene Baskin, I/M #52888
Plaintiff-Pro se